

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DISTRICT

- - - - - x  
: UNITED STATES OF AMERICA : Criminal No. 16-00469-JFM  
: v. :  
: MARTIN ROBERT HALL, :  
: Defendant. : Baltimore, Maryland  
: - - - - - x October 14, 2016

**HEARING**

BEFORE: THE HONORABLE J. MARK COULSON, Judge

APPEARANCES: PAUL E. BUDLOW, Esq.  
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On Behalf of the Government

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KEYNOTE: "----" Indicates inaudible in transcript.

1                                   P R O C E E D I N G S

2                   (Whereupon, at 2:17 p.m., the proceedings began.)

3           MR. BUDLOW:   Should I call the case?

4           THE COURT:   Yes, please.

5           MR. BUDLOW:   This is the United States of America  
6   versus Martin Robert Hall.  It is Criminal No. JFM-16469.  
7   This matter is scheduled before Your Honor this afternoon for  
8   an arraignment and a detention hearing and potentially an  
9   initial appearance, as well.  The Defendant has had an  
10   initial appearance on the criminal complaint.

11           THE COURT:   Okay.

12           MR. BUDLOW:   But this would be his first appearance  
13   on this Indictment.

14           THE COURT:   All right.  Mr. Rosenblum.

15           MR. ROSENBLUM:  Yes, Your Honor, Scott Rosenblum  
16   from St. Louis, Missouri, along with Mark Johnson, here on  
17   behalf of Mr. Hall.

18           THE COURT:   Well, welcome.

19           MR. ROSENBLUM:  Thank you, Your Honor.

20           THE COURT:   Mr. Hall --

21           THE DEFENDANT:  Good afternoon, Your Honor.

22           THE COURT:   -- good afternoon, you can be seated.

23           (Pause)

24           THE COURT:   So, do we want to proceed with an  
25   initial appearance on the Indictment?

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1 MR. BUDLOW: Yes, Your Honor.

2 THE COURT: All right. So, we will start there.

3 All right. Mr. Hall, you are in court today because a Grand

4 Jury of this Court has returned an Indictment against you.

5 The Indictment alleges certain violations of Federal Law.

6 So, the initial appearance is your opportunity to find out

7 exactly what is being charged, also what the maximum

8 penalties would be if you are convicted of the charges.

9 I am going to talk to you about two important

10 Constitutional Rights that you have and then we are going to

11 go on to address some other matters, including, I believe,

12 having you enter a plea in response to the Indictment in the

13 case, and then also discussing your detention or your release

14 status pending your next court appearance.

15 So, this is obviously not a trial on the charges,

16 but it is your opportunity, first, to find out exactly what

17 you are being charged with and what the maximum penalties

18 would be. Do you United States so far?

19 THE DEFENDANT: Yes, Sir.

20 THE COURT: And are you able to read, write and

21 understand English?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Today are you under the influence of

24 any substance or do you have any medical condition that

25 would interfere with your ability to understand the

1 proceedings?

2 THE DEFENDANT: No, Sir.

3 THE COURT: Have you had the opportunity to review  
4 the Indictment with your Counsel?

5 THE DEFENDANT: Yes, Sir.

6 THE COURT: So, under the Indictment it appears  
7 that you are charged in two counts, Count No. 1 is  
8 transportation of child pornography in violation of Title 18  
9 of the United States Code Section 2252(a)(1). That count  
10 carries the mandatory minimum sentence of five years and a  
11 maximum sentence of 20 years, a \$250,000.00 fine and lifetime  
12 supervised release.

13 You are also charged in Count 2, possession of  
14 child pornography in violation of Title 18 of the United  
15 States Code Section 2252(a) -- (a)(5)(b), if convicted under  
16 that count that has a maximum penalty of 20 years in prison,  
17 a \$250,000.00 fine and also lifetime supervised release.

18 So, Mr. Hall, I am not asking you whether you agree  
19 with the charges but do you understand what the charges are  
20 and what the maximum penalties would be?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Understand, Mr. Hall, those are the  
23 maximum penalties. That is not necessarily the sentence that  
24 you would receive if you were convicted, it is the maximum  
25 sentence that you could receive.

1           Mr. Hall, you have two important Constitutional  
2 Rights. Under the Fifth Amendment, you have the right to  
3 remain silent. You do not have to make any statement to the  
4 Government about the charges. If you do make a statement  
5 then they can use it against you in court.

6           And then under the Sixth Amendment you have the  
7 right to be represented by Counsel at all stages of the  
8 proceedings from this point forward. That means that you  
9 have the right to have your lawyer with you during any  
10 questioning by the Government and also have your lawyer with  
11 you for all of your court appearances.

12           So, let us do this, if we could. Mr. Budlow, is  
13 the Government seeking Mr. Hall's detention in the case?

14           MR. BUDLOW: Yes, Your Honor.

15           THE COURT: All right. So, I guess the question is  
16 -- do we want to proceed with the detention hearing now or do  
17 we need to schedule another date for the detention hearing.

18           MR. BUDLOW: Your Honor, I believe that the  
19 detention hearing was scheduled for today. And that --

20           THE COURT: All right.

21           MR. BUDLOW: -- Counsel flew in from Missouri.

22           THE COURT: Very well. So, we are ready to  
23 proceed.

24           MR. ROSENBLUM: Yes, Your Honor.

25           THE COURT: All right. So, Mr. Budlow, I will hear

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1 from you first.

2 MR. BUDLOW: Thank you, Your Honor. Your Honor,  
3 the Government is seeking detention in this case based on  
4 both risk of flight and danger to the community. I would  
5 point out that this is a presumption case. And that the  
6 Defendant is presumed detained. And that the Defendant --  
7 either a lack of assurance of the Defendant's appearance or  
8 safety to the community, it is sufficient to detain the  
9 Defendant. Not both. Either is sufficient.

10 Your Honor, I will give the Court a proffer of  
11 the facts that are the subject of this investigation that  
12 both led to the search warrant of the Defendant's home as  
13 well as the Indictment in this case, which you have, and  
14 then some additional facts that the Government believes  
15 relate to the Defendant's danger to the community and his  
16 risk of flight.

17 THE COURT: All right.

18 MR. BUDLOW: Your Honor, Baltimore County searched  
19 the Defendant's residence after an undercover investigation  
20 into what I would call an encrypted file sharing and storing  
21 platform, which is known as Pre-Net. Showed that an IP  
22 address from the Defendant's house was transporting child  
23 pornography. Pre-Net is a Peer-to-Peer encrypted platform  
24 for storing and delivering data. It is a highly  
25 sophisticated platform, the communication is encrypted, the

1 files are stored in very small encrypted blocks on hundreds  
2 or even thousands of various users' computers.

3 The users participate in this file sharing with the  
4 understanding that they do not know what files they share  
5 bits and pieces of on the various computers that are in an  
6 encrypted states, so they would not do them any good to try  
7 and look at those encrypted files in any event.

8 In order for one user to obtain a particular file  
9 that user needs to obtain a key, which is similar to a  
10 password. That key then sends a message to other users of  
11 the program and it tells them to send the encrypted packets  
12 or sections of data back to the user, where the program puts  
13 all of those packets back together, un-encrypts them if you  
14 will and recreates the file or files that have been requested  
15 on the beginning user's device.

16 That is essentially the program that the undercover  
17 investigator from Baltimore County was investigating when he  
18 saw the Defendant's IP address with information that led him  
19 to believe that it was connected to a specific packet of  
20 files. And the detective knew based on his experience that  
21 that unique information that he obtained from the IP address  
22 contained two known videos of child pornography.

23 I am going to describe those videos of child  
24 pornography. This is the -- these are the videos that the  
25 detective recognize as linking to the Defendant's IP address.



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1 These videos were not downloaded by the detective, nor where  
2 they ultimately recovered from the Defendant's residence or  
3 from his computers, at least not at this time. A full  
4 forensic exam has not been done.

5 The first video is three and a half minutes long  
6 and it depicts a nude prepubescent female lying on a bed with  
7 her legs spread, the prepubescent female's face is not seen  
8 and the adult male enters the video and penetrates the  
9 female's vagina with his penis until he ejaculates on the  
10 minor's vagina.

11 The second video is one minute long, approximately.  
12 It also depicts a nude prepubescent female masturbating  
13 herself and then an adult male digitally penetrates the minor  
14 and perform oral sex on her.

15 Those two videos were in data that linked to the  
16 Defendant's IP address. The detective took that information  
17 and applied for and obtained a search and seizure warrant,  
18 which was executed on the Defendant's house on September 7th,  
19 2016.

20 When the detective arrived they observed that the  
21 Defendant's computers were all encrypted and you will the  
22 Defendant is a fairly sophisticated computer user. But  
23 fortunate for the investigators at the time of the search  
24 warrant one of the computers was running and it was connected  
25 to an external hard drive. Which allowed the investigators

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1 to do an on-scene forensic exam of those items, at least in  
2 part without having to worry about encryption for the short  
3 term.

4 What they learned was that on the Defendant's  
5 external hard drive was a significant amount of prepubescent  
6 and child exploitation appears. They identified over 8,000  
7 files of child erotica, prepubescent and related materials.  
8 They noticed that many of the subjects of the subjects of the  
9 photographs and videos appeared to be Asian and potentially  
10 Filipino.

11 The images included the following three images --  
12 well, the images included prepubescent minors engaging in sex  
13 acts with adults including three that I am going to describe.  
14 And they formed the basis of Count 2 of the Indictment in  
15 part.

16 The first one is an image of an adult penis  
17 penetrating a prepubescent female's vagina. The second one  
18 is a prepubescent female performing oral sex on an adult  
19 male. And the third one is an adult male's penis penetrating  
20 an Asian prepubescent female's vagina. Again that is the  
21 images and the types of images that form the basis of  
22 Count 2.

23 Also located on the Defendant's computer were  
24 images of the Defendant engaging in sex acts with a young  
25 female of what the detectives determined to be undetermined

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1 age. And these videos or images were produced using a  
2 camera, make and model which was the same make and model  
3 camera that was found in the Defendant's office where the  
4 computers were found. I say office, I think it was either a  
5 basement or office somewhere in his residence.

6 Additionally, there were pornographic images,  
7 lascivious display, not sex acts, of photographs using the  
8 same type of camera, the same make and model camera as were  
9 found -- as the ones that depicted the Defendant engaging in  
10 the sex acts with the young female, also the same make and  
11 model camera found in the Defendant's home.

12 Those images are as follows. Seven image files  
13 which depicted one individual listed in the Indictment as  
14 Jane Doe. Who is a minor female, she is partially naked,  
15 three of which are focused on Jane Doe's vagina. Again,  
16 those images form the basis for Count 1, transportation of  
17 child pornography and I will explain a little bit more about  
18 additional evidence with the transportation of child  
19 pornography charge in the moment.

20 THE COURT: But there is no charge at this point  
21 for production?

22 MR. BUDLOW: There is not. There is -- significant  
23 amount of evidence indicating production relating to that  
24 image, which I will detail, but the Defendant is not  
25 currently charged with that.

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1           The Defendant gave a statement at the scene. He  
2       stated that the images of him engaging in sex acts with other  
3       individuals, he admitted that that was him and that it was  
4       one of his Filipino girlfriends, which he had spent time with  
5       during his recent trip to the Philippines. He had been in  
6       the Philippines between April and August of 2016.

7           He also admitted that the young girl depicted in  
8       the image in Count 1, we just discussed is the basis for the  
9       transportation images, was his girlfriend's sister. But that  
10      he denied taking any photos of the sister. And he did state  
11      that he believed that that young sister depicted in the  
12      photograph was either age 12 or 13.

13          The Defendant stated that he travels to the  
14      Philippines for work where he teaches JAVA code and that  
15      the women there in the Philippines like their American  
16      boyfriends. He denied any child pornography or child  
17      exploitation related active or possessing the images of  
18      child pornography.

19          Defendant and his wife both stated in interviews  
20      that only the Defendant uses the devices which were found in  
21      his office, which are the devices where all the images that  
22      we are discussing are located. The Defendant also stated  
23      that he purchases his computer devices new.

24          THE COURT: Mr. Budlow, did you say that you --  
25      that the investigators had somehow linked the pictures of the

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1 minors that you just described with Mr. Hall's camera?

2 MR. BUDLOW: Correct. Based on the make and  
3 model. At this point in the forensic exam they have not  
4 determined the -- I do not know if there is any information  
5 relating to the serial numbers. It is the same make and  
6 model.

7 THE COURT: Okay.

8 MR. BUDLOW: Other information found in the  
9 Defendant's possession nor on the Defendant's computer and  
10 external hard drive that were viewable at the scene,  
11 thousands of images of child pornography and erotica. Which  
12 were on his encrypted hard drive. The Defendant and his wife  
13 both stated that he is the user of the device, he stated that  
14 he purchased the equipment new.

15 The Defendant's home IP address -- this again is  
16 a summary of the evidence related to Count 2, possession --  
17 the Defendant's home IP address was observed by the  
18 undercover detective sharing or disseminating or some  
19 relationship to these bits of image files that are known  
20 child pornography. Based on the number of files on the  
21 Defendant's computer and they type of files the Government  
22 submits that there is sufficient evidence for the Court to  
23 determine that the Defendant has a sexual interest in  
24 children.

25 Additionally, there are the photos of the Defendant

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1 from the Philippines which show -- there are other photos of  
2 the Defendant from his recent trip to the Philippines and  
3 earlier trip to the Philippines that show him with various  
4 families. When I say families they typically appear to be a  
5 young woman, no adult male, who typically had young female  
6 children with them. What their relationship, of course I do  
7 not know.

8 In one of these photographs of sort of a family  
9 vacation if you will, where the Defendant is with his family  
10 -- with a young woman and a young Filipino children is a  
11 photo of a young girl, clearly under the age of ten,  
12 prepubescent, going down the slide a couple of times. The  
13 first time she goes down the slide clothed. Later on in the  
14 photograph she goes down the slide, no -- either no underwear  
15 or -- her bottom is exposed and her legs are spread exposing  
16 her vagina to the camera.

17 Those photographs were also taken with the same  
18 camera make and model that was located in the Defendant's  
19 office and that was used to take the images -- the Defendant  
20 having sex acts with a woman as well as the woman's younger  
21 daughter in a lascivious display --

22 THE COURT: And those photos are from a time frame  
23 when Mr. Hall was known to be in the Philippines?

24 MR. BUDLOW: That is correct.

25 THE COURT: All right.

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1 MR. BUDLOW: So, the evidence that relates to  
2 Count 1, the transportation of child pornography with  
3 respect to those seven images of what the Defendant said was  
4 12 or 13 old sister of his Filipino girlfriend, are as  
5 follows. And a lot of this you have already heard but just  
6 to sort of put it in one place and so that the Court  
7 understands the strength of the case against the Defendant  
8 for this count.

9 Again, the Defendant had purchased this computer  
10 and these hard drives new presumably, without child  
11 pornography on them. The Defendant's computer contained  
12 images of a young Filipino girl clothed and then unclothed  
13 focused on her vagina. And these are the Count 1, so that  
14 series of seven photos is a series that starts clothed going  
15 to unclothed and then going to focusing on the victim's  
16 vagina.

17 The images again were taken using the same make  
18 and model camera seized from the Defendant's home. The  
19 images were taken during a time when the Defendant can be  
20 shown to be in the Philippines. The admitted that the  
21 photos of this girl is the younger sister of his Filipino  
22 girlfriend.

23 So, in a nutshell, the Defendant traveled to the  
24 Philippines, these photos were taken while he was there,  
25 likely by him, he brought the images back with him either on

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1 a hard drive or on his camera and that is the evidence of his  
2 transportation for Count 1.

3 And as the Court asked me earlier and I responded,  
4 he is not currently charged with production but all of those  
5 facts are significant evidence of his production. And  
6 whether or not there is probable cause or stronger evidence  
7 at this time is not really the point. I think those are all  
8 relevant facts for the Court to consider when determining how  
9 much of a danger the Defendant presents.

10 I would point out that in addition to the danger in  
11 that the area the Defendant is highly sophisticated and he  
12 has conduct that shows that he has attempted to avoid being  
13 caught and avoid law enforcement. And that is that all his  
14 computers are encrypted. His computers did contain wiping  
15 software. And there is a chat that I have just recently  
16 received from his Skype account to at least one of the women  
17 that he is talking to he had specifically instructs to delete  
18 the chats.

19 Additionally there is evidence of the Defendant's  
20 travel. The Defendant has traveled to many countries  
21 throughout Europe and Asia including many known to be popular  
22 destinations for sex tours and specifically child sex tours,  
23 including the Philippines, Thailand, Cambodia, Taiwan and  
24 Indonesia. Other countries as well, but specifically has  
25 been to those countries all known for that kind of activity.



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1           Your Honor, I this morning received some small  
2 amount of the forensic results from different searches on the  
3 Defendant's devices, that I think are also relevant on the  
4 issue of detention.

5           There is a Yahoo chat and all it is, is one line,  
6 that is all that was extracted out of there. And it is  
7 clearly from an account associated with the Defendant, which  
8 I think is also relevant. It is "T-r-a-v underscore M-a-n  
9 underscore 1969". So, Trav Man 1969. And that is the same  
10 or similar name or moniker that he uses for some of his other  
11 social media platforms. And the chat, all we have says, "I  
12 want to meet the younger one", "I want to meet the younger  
13 one".

14           Additionally within the Google searches that were  
15 pulled from the Defendant's computer was the search for "Best  
16 Eraser Settings" unquote.

17           And then there is a Fire Fox web history. And  
18 the web history only shows two dates, September 3rd and  
19 September 6th of 2016, which were just days before the  
20 Defendant's house was search. And I would indicate that  
21 given the evidence of him having search for eraser and  
22 having wiping software that he either manually deleted his  
23 search history on all of these internet browsers and other  
24 computer related activity regularly or he set it up so that  
25 his computer would do it automatically. But in any event it

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1 clearly had not deleted these things from just a couple of  
2 days before the Defendant -- the Defendant's home was  
3 searched.

4 And these searches all relate to a web history  
5 where the search history on Fire Fox, all relates to a web  
6 history for a web site called, "M-r-d-o-u-b-l-e.bz" or  
7 Mr. Double dot BZ. And the case agent who got stuck on a  
8 search warrant today or would have been here, but she is  
9 still there now, did a little digging and learned that that  
10 website, Mr. Double dot BZ, is a site offering 30,000 or more  
11 taboo teen incest stories, which are stories about rape and  
12 child molestation.

13 So, on September 3rd there is one to hit. And then  
14 on September 6th, 2013 there is a variety of zip files that  
15 are seen on the extension of the Defendant's search history  
16 all related to the Mr. Double dot BZ website. And the file  
17 names associated with those zips are as follows.

18 I will just give you a preview or the end of it,  
19 one is "Tooyoung03.zip", one is "Kidspics.zip", "Angel.zip",  
20 "Alicia.zip", "Poollove.zip" and "Marycath.zip". (All  
21 website names are spelled phonetically.)

22 Your Honor, finally there is a Skype log, Skype  
23 being a video chat platform but also regular chat through  
24 texting and it is clear from the Defendant's Skype log that  
25 he was communicating both by video and sending photographs

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1 and text chat on Skype. The log goes from at least January  
2 of 2015 until the summer of 2016 and maybe even more recent  
3 than that.

4 Now, I will tell, Your Honor, obviously at this  
5 state typically the Defense has no discovery. This case is  
6 no exception. Up until now they have had nothing. I have  
7 provided the Defense this extremely small font summary of  
8 these chats. And so, I am going to try and stay very general  
9 in my description and conservative.

10 What -- and the subject to the if the Defense wants  
11 to point something out in here if you can read that -- then I  
12 will take it back.

13 But what is clear, I think, from these chats is  
14 that the Defendant is communicating with women and it is  
15 highly sexual talk. Much of the talk relates to having sex  
16 with the person that he is talking to. The vast majority of  
17 the time it is unclear the age of that individual.

18 However, there is a lot of discussion with sort  
19 of the target of his conversation about others who are  
20 younger, they seem to be younger sisters or younger friends  
21 and family members that are there, and there are lots of  
22 conversations relating to so-and-so is too young. And so  
23 that would be coming from someone, it appears to be in the  
24 Philippines. The Defendant is saying this individual was  
25 too young.

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1           To be clear there is no definitive text from the  
2 Defendant to which that is responding to. So, for example,  
3 I cannot say the Defendant specifically stated that he  
4 wanted to have sex with their sister and she says no, my  
5 sister is too young. It is just that the response is seen  
6 and a number of these contain information like that person is  
7 too young. And again the Government puts this in the context  
8 of the vast majority of these texts are sexual in nature and  
9 explicit.

10           Additionally, there is clearly images that are  
11 being shared because you can see that the individual that  
12 the Defendant is talking to sends texts, that might just  
13 say, ".4-JPEG" and things like that. And I am just going  
14 to read to the Court some of the text message that seem to  
15 show the Defendant's activity. Some of these are messages  
16 to him.

17           One time he says, "I like young". There is another  
18 text message where he receives a number of photographs from  
19 someone and states, "Who is the cute baby" and cute is  
20 spelled C-u-u-u-u-u-t-e baby.

21           There is a sexual explicit conversation with  
22 someone who is identified by user name and it is -- at this  
23 point I cannot say whether this user name is supplied by  
24 Skype from the user or whether the Defendant edited it as  
25 somebody he knew, but it is "Nicole Areola" and in

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1 parenthesis it says, "Medium Plus Plus Braces 15 Ninth GD  
2 Consolation FC 15A" and then there is something else, on  
3 something. There is conversation with this individual where  
4 she indicates that she is in the ninth grade. The text  
5 messages are clear that she has a sister, who got pregnant,  
6 that sister is 17.

7 So, I think it is a fair reading of this to see  
8 that the Defendant is engaging in sexual conversations with  
9 someone he believes to be a sixteen year old high  
10 school/middle age student in the Philippines.

11 Additionally, there is conversation with the  
12 Defendant and this person, Nicole, about potentially getting  
13 together.

14 The last text I see or the second to the last text,  
15 from this individual, Nicole, says, "I hope so mahal (sic.)  
16 only that month is my vacation, in June back to school again.  
17 You have to time to think about it if you will not be here,  
18 then it's all right".

19 So, it is certainly appears, whether or not they  
20 ever saw each other is unclear at this point until there has  
21 been a more detailed review, but there is discussion of  
22 getting together.

23 Your Honor, in summary, the Government believes  
24 that detention is appropriate because the Defendant is a  
25 danger. He is a danger to children wherever they are. There

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1 is a presumption of the danger -- of detention. The  
2 Defendant possessed thousands of images of child pornography,  
3 including prepubescent children engaging in sex acts. He has  
4 engaged in extensive sexual chat including exchanging video  
5 and images with young women and girls overseas, all who  
6 appear to have younger siblings and daughters who seem to be  
7 the focus of the conversation.

8 The discussion appears to involve sex of talk with  
9 minors. It clearly talks about involving sex with people for  
10 the first time, girls losing their virginity, girls waiting  
11 or not waiting until they are 18 to have sex.

12 The Defendant clearly travels extensively to  
13 countries know for sex and child sex tours. He admits in his  
14 interview that he has girlfriends in the Philippines that he  
15 has sex with, who we know have younger siblings and  
16 daughters.

17 He clearly, from his online activity and from his  
18 computer activity has a sexual interest in children. He has  
19 on his computer child pornography of a minor girl that he  
20 admits is his girlfriend's sister, taken with his camera  
21 while he was in the Philippines. That is strong evidence,  
22 that is a strong indication that the Defendant took those  
23 photographs and produced those images.

24 The Defendant clearly represents a threat to  
25 children wherever he is. He is highly sophisticated both in

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1 computers, he has traveled extensively throughout Europe,  
2 North America, South America, Asia. He clearly is facing  
3 mandatory minimum time in this case based on the current  
4 Indictment of five to twenty years, potentially more based  
5 on some of the information that is seen in this Indictment.  
6 There are a variety of other charges that could be brought  
7 in the future, all of which carry mandatory minimums of 10  
8 to 15 years. Combined with his travel history, even with  
9 him giving up his passport, he clearly represents a flight  
10 risk.

11 And the Government's position is that there is no  
12 combination of conditions that would both assure his  
13 presence, but really most importantly in this case, assure  
14 the safety of the community.

15 THE COURT: All right. Thank you, Mr. Budlow.  
16 Mr. Rosenblum.

17 MR. ROSENBLUM: May it please the Court. Thank  
18 you, Your Honor. Mr. Budlow is correct, obviously we have  
19 not had an opportunity to review any of the evidence, so it  
20 would be difficult for me to comment on the quality or the  
21 content of the evidence other than as Mr. Budlow pointed out  
22 he did provide the Skype texts to me just before this  
23 hearing.

24 The issue here today, in our view, is whether or  
25 not there is a combination of conditions that would assure

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1 this Court that Mr. Hall would not only appear and defend  
2 himself but he is not a danger to the community.

3 Under 3142 it is certainly the preference if the  
4 Court could find a condition or combinations of the  
5 conditions that would reasonably appear -- that reasonably  
6 assure that Mr. Hall would appear and not be a danger to the  
7 community then certainly I think that liberty is the  
8 preference, as I read 3142 in the case law. Liberty is the  
9 preference over an individual being detained under, except  
10 for limited, careful exceptions.

11 It is our belief, that although this is a  
12 presumption case, it is our belief that we can meet that  
13 burden and then allow the Government to be again left with  
14 the burden of persuasion.

15 What we have here today is an individual that is  
16 basically a lifelong citizen of this State, Maryland. He  
17 obviously has no priors and he has incredible family ties  
18 and connections not only to the United States but to this  
19 area. This is evidenced by his two children, he maintains  
20 close contact with, by his wife of 30 years, Belinda, that  
21 I am going to ask her to testify and answer some questions  
22 about what she would allow her role to be as a third-party  
23 custodian to assure and give this Court assurances that we  
24 can satisfy the Bail Reform Act. She is a stay-at-home  
25 mother or a stay-at-home housewife that basically is engaged



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1 in charitable activity and you will hear from her.

2 Additionally, she has her parents, Hazel and  
3 Michael Griffith, 73 and 74 years of age, that I asked her  
4 just before this hearing to reach out to them and see whether  
5 they would also assist in the role of custodians.

6 The issue of the travel, I think, can be certainly  
7 addressed and alleviated by the fact that Mr. Hall is  
8 without a passport. That had been seized by the Government  
9 at the onset of this case. Additionally, he would be  
10 subjected to electronic monitoring, home detention and any  
11 other condition that this Court would see necessary to assure  
12 that he is completely supervised in a custodial type  
13 circumstance.

14 Mr. Hall's pastor came here today and this is  
15 gentleman by the name of Pastor Jason Polling (sic.). He is  
16 over my left shoulder. He is the pastor of the New Hope  
17 Church, which the Halls have been congregants of for 15  
18 years. They predated that church for 15 years.

19 Additionally, Belinda's sister is here. Shirley  
20 Viscarello (sic.) -- I am sorry, how do I say that?

21 MS. VISCARELLO: Viscarello.

22 MR. ROSENBLUM: Viscarello, Shirley Viscarello.  
23 And she traveled here from Stanford, Connecticut. Shirley --  
24 and Rick -- Rick Viscarello is a medical doctor who engages  
25 in high risk OB/GYN type of medical practice. She came here

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1 to show her support for Martin and also to show her support  
2 for her sister, traveling here from Stanford just to be  
3 present at this hearing.

4 The Government points out his sophistication with  
5 computers. To be sure, that is how he -- that is his job,  
6 that is his career. And in the area of Free Net, which is a  
7 complicated developing area, Mr. Hall absolutely had a  
8 legitimate purpose to be engaged in activities on Free Net.  
9 He writes JAVA and JAVA Script, which is basically -- is a --  
10 Free Net is a program that uses that particular type of  
11 script.

12 Obviously, as the Government pointed out there is  
13 illegitimate reasons for being on Free Net, but there are  
14 also legitimate reasons that Mr. Hall was, in fact, on Free  
15 Net.

16 When the Government maintains the burden of  
17 persuasion I think once we meet our burden it would be  
18 incumbent upon the Government to show that he is a flight  
19 risk and a danger to the community. I have not seen the  
20 evidence. I have on a quick review of what the Government  
21 presented me with here today and I want to be clear that I  
22 do not want to overstate anything, so I discussed what I was  
23 going to say to the Court with Mr. Budlow, but I think that  
24 it is clear looking at this document that there is -- in  
25 looking at this they cannot -- the Government cannot state

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1 to the Court that this document suggests that there was  
2 ever any underage contact on behalf of -- with respect to  
3 Mr. Hall.

4 That they cannot look at this document and suggest  
5 that actually Mr. Hall engaged in sexual contact with an  
6 underage person. It is certainly not clear and I do not  
7 think the Government is going to state at this point anything  
8 to the contrary.

9 A quick review of this document, like a lot of  
10 these types of documents in cases and chat, everything is  
11 subject to context. A couple of the entries that I looked,  
12 my take on that, would be Mr. Hall specifically stating that  
13 this particular person is too young, or that he is not  
14 interested in engaging in activity with this particular  
15 individual because of the young age of that individual.

16 So, I think in one sense where the Government can  
17 take away one context, we certainly can take away another  
18 context, and that would be left to a more thorough  
19 investigation and more thorough cross-examination and as we  
20 get down the road in this discovery.

21 So, certainly this is a man that has just  
22 incredible contacts to this area and to this region. I  
23 absolutely believe that there is a condition or a combination  
24 of the conditions that would reasonably satisfy. And I think  
25 that is one of the key words here. Reasonably satisfy as the

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1 Bail Reform Act requires, this Court that those conditions  
2 can be satisfied.

3 And at this point, if the Court please, I would  
4 call his wife, Belinda Hall, to the stand.

5 THE COURT: I am happy to hear from her.

6 MR. ROSENBLUM: Thank you, Your Honor.

7 THE CLERK: Ma'am, I need you to come up here,  
8 please. Please raise your right hand.

9 Whereupon,

10 BELINDA HALL

11 was called as a witness on behalf of the Defendant, having  
12 been first duly sworn, was examined and testified as  
13 follows:

14 THE CLERK: Please have a seat. Pull the  
15 microphone close to you and state your first and last name  
16 for the record.

17 THE WITNESS: Belinda Hall.

18 THE CLERK: Spell your last name, please.

19 THE WITNESS: H-a-l-l.

20 THE CLERK: Thank you.

21 DIRECT EXAMINATION

22 BY MR. ROSENBLUM:

23 Q Thank you, Ms. Hall. Would you again please state  
24 your name for the record.

25 A Belinda Hall.

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1 Q And, ma'am, can you tell the Court who your husband  
2 is?

3 A Martin Hall.

4 Q And obviously he is here to my right in court.

5 A Yes.

6 Q And how long have you and Martin been married?

7 A Thirty years.

8 Q How would you characterize your marriage up to this  
9 event with the Court -- to the Court?

10 A Um -- I don't know quite how to answer that. I  
11 mean we've been married for 30 years. We've been happily  
12 married for 30 years.

13 Q So, happily married?

14 A Sure.

15 Q Okay. And obviously these charges came as quite a  
16 shock to you, is that fair to say?

17 A That is fair to say.

18 Q And you are going through the process of dealing  
19 with the allegations day-to-day, also fair to say?

20 A Yes.

21 Q You know we have as Martin's lawyers discussed some  
22 of the specifics, you are certainly aware of some of the  
23 specifics and you just sat here as Mr. Budlow outlined what  
24 the Government believes is a summary of the Government's  
25 evidence, and you heard that, correct?

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1 A Yes.

2 Q Anything about what you heard changed the  
3 discussions that we have had previous to your testimony about  
4 what you are willing to represent to the Court as your role  
5 in the event that this Court would admit your husband Martin  
6 to bail in this district?

7 A No.

8 Q So, we have discussed with you the concept of a  
9 third-party custodian?

10 A Yes.

11 Q And the concept of a third-party custodian would  
12 mean essentially you would be in a position to watch your  
13 husband Martin?

14 A Yes.

15 Q And if the Court would impose a condition where  
16 basically he is relegated to home confinement you would abide  
17 by that condition?

18 A Yes.

19 Q And if the Court would require electronic  
20 monitoring you would do whatever is necessary to establish a  
21 land line to allow for that condition to go forward?

22 A Yes.

23 Q If Martin, your husband, would violate any  
24 condition that this Court would impose on him in the event  
25 that he would be admitted to bail, as your role of custodian

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1 you would have to report that to his Pretrial Services  
2 Officer and the Court if you would see a violation? Would  
3 you do that?

4 A Yes.

5 Q Would you do that knowing that that reporting of  
6 that potential violation would most likely immediately revoke  
7 his bond and require Martin to return to jail pending his  
8 trial?

9 A Yes.

10 Q The two of you have had -- you have two children,  
11 Lindsay and a son whose name is?

12 A Nathan.

13 Q And one I know resides in the New York area and one  
14 in the California area?

15 A That's correct.

16 Q Do they enjoy a close relationship with their  
17 father?

18 A Yes.

19 Q I know Lindsay is in a -- they both work at Google.  
20 So, they are in a similar type of business?

21 A Yes.

22 Q And because of that do they have a particularly  
23 close relationship?

24 A Yes.

25 Q Did you ever image in your wildest imagination that

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1 your husband, Martin Hall, would ever leave the jurisdiction  
2 and put himself in a position where he could never see his  
3 children again?

4 A No.

5 Q His children are completely and eminently important  
6 to him?

7 A Yes.

8 Q Given everything you heard, I know that you are a  
9 very religious woman, do you have any intention of -- and I  
10 do not want to put you on the spot -- but do you have any  
11 intention in the near future to do anything other than to try  
12 to work on your marriage and work with Martin?

13 A No.

14 Q Your sister is here today and that was a show of  
15 support. I discussed that in my proffer to the Court. And  
16 her name -- restate her name, please, for the Court.

17 A Shirley Viscarello.

18 Q And Ms. Viscarello is married to?

19 A Richard Viscarello.

20 Q Who is an OB/GYN?

21 A Yes.

22 Q They live in Connecticut?

23 A Yes.

24 Q And she traveled here today to be supportive of you  
25 and Martin?



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1 A Yes.

2 Q Additionally, your parents, I asked you have a  
3 conversation with your parents, the Griffiths, Hazel and  
4 Michael, prior to this proceeding?

5 A Yes.

6 Q And the conversation was essentially in the event  
7 that you would need any assistance as a custodian, for  
8 instance if you would have to leave for any significant  
9 period of time, would they be willing to fill in for you and  
10 assume -- and assume your role in the supervision of your  
11 husband, Martin, and report any potential violation to the  
12 Pretrial Services Officer as well as to this Court?

13 A Yes.

14 Q And based on your conversation with them, were you  
15 parents willing to assist you and do that?

16 A Yes.

17 Q Looking at your assets -- first of all are you  
18 aware that Martin has any other additional passports?

19 A No.

20 Q And the passport that he has -- had is in the  
21 possession of the United States Government?

22 A Yes.

23 Q And that was at the time of his arrest?

24 A His initial arrest. Yes.

25 Q Okay. The two of you -- most of your assets --

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1 first of all, for what it is worth, to seek legal counsel for  
2 your -- for Martin, you had to have assistance from your  
3 parents and his parents?

4 A From his parents.

5 Q From his parents. Okay. And most of your assets  
6 are tied up in your home, would that be correct?

7 A Yes.

8 Q Do you have an estimate as to what the equity in  
9 your home is?

10 A \$130,000.00.

11 Q Would that, other than Martin's retirement, which  
12 has certain conditions to obtain it or to reach it, would you  
13 say that \$130,000.00 is essentially the net worth that the  
14 two of you have?

15 A Yes.

16 Q Are you willing to -- I have two questions. Martin  
17 has indicated to me, as a further show of -- to alleviate any  
18 concern from the Court that he would be willing to transfer  
19 any interest that he has in that home completely into your  
20 name, you are aware of that?

21 A Not before you just told me, no.

22 Q Okay. Now that I have told you are you aware of  
23 that?

24 A Yes.

25 Q Okay. And you are willing to work in that regard

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1 with respect to Martin doing that to assure the Court that  
2 essentially not only would he not have a passport, but he  
3 would have very little means to ever -- means not to appear  
4 and defend himself in this matter?

5 A Yes.

6 Q And once you receive that transfer by Quit Claim or  
7 other measure, would you be willing to post the house, post  
8 your home, basically all your net worth, family's net worth  
9 with this Court and its equity to assure this Court that  
10 Martin would appear and defend himself? Essentially put it  
11 up for bail?

12 A Right. I'm not sure I answer -- I mean I think,  
13 yes. But we have also talked about the need to sell our home  
14 in order to have financial means to live as this case  
15 proceeds.

16 Q Well, allow -- assuming that in the even that money  
17 becomes -- such an urgency that we could approach the Court  
18 to make arrangement, but in the short term would you --

19 A Yes.

20 Q -- would you secure his bail with your home?

21 A Yes.

22 Q Additionally, speaking of the issue of needing  
23 money to live, certainly in the near term, in the event that  
24 -- Martin be admitted to bail and in the event that he would  
25 be allowed to work from home, and in the event that the Court

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1 would allow him to work in -- and apply his trade, with the  
2 need to use a computer if the Court would require software to  
3 be installed, which would essentially alert authorities if  
4 there was ever a -- a dubious type of search, you would agree  
5 to monitor that, as well?

6 A Yes.

7 Q Lastly I noticed this -- and I mentioned this in my  
8 proffer, I noticed that your pastor has joined you here  
9 today?

10 A He is here today.

11 Q Right. And he is over my left shoulder? I think.

12 A Yes.

13 Q And can you describe for the Court the significance  
14 of church in your life and the relationship that your family  
15 has enjoyed with the Pastor Jason Polling over the last 15  
16 years or so?

17 A Um -- I would say that my faith is the most  
18 important thing in my life. And our involvement in New Hope  
19 Community Church, which has for the last 15 years, remained a  
20 small community. Has been -- certainly for me, our lifeline,  
21 those 15 years. It is where we get our close community apart  
22 from family.

23 Q And I know this has been a difficult period of time  
24 and certainly is challenging and testing of your faith and  
25 your marriage, but has anything that you have heard in court

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1 today caused you to waiver at all in your commitment to be  
2 with your husband and to act as a third-party custodian and  
3 advise this Court and Pretrial Services if there was ever be  
4 a violation of any condition that this Court would impose to  
5 assure it that Martin would appear and defend himself and not  
6 be a danger to the community?

7 A No.

8 Q Thank you, ma'am.

9 THE COURT: Mr. Budlow, any questions?

10 MR. BUDLOW: Yes.

11 CROSS EXAMINATION

12 BY MR. BUDLOW:

13 Q Good afternoon. I just have a couple of questions  
14 for you. Is it fair to say that when you heard the proffer  
15 you were not aware of any of the chats that I discussed on  
16 the computer?

17 A That is fair to say.

18 Q And is it also fair to say that you were not aware  
19 that your husband was taking what I described as family  
20 vacations overseas to resorts and amusement parks with other  
21 women and children?

22 A I was not specifically aware of that before today.

23 Q And you do not know the names of his various  
24 contacts throughout the world who have hired him over the  
25 past number of years.

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1           A       I know some of them but not all of them.   Okay.

2                   MR. BUDLOW:   Okay.   Thank you.

3                   THE WITNESS:   Thank you.

4                   THE COURT:   Anything else?

5                   MR. ROSENBLUM:   Thank you, Your Honor.   Nothing  
6 further.

7                   THE COURT:   All right.   Thank you, ma'am.

8                   (Witness excused.)

9                   THE COURT:   Mr. Rosenblum, anything else from you  
10 on behalf of Mr. Hall?

11                   MR. ROSENBLUM:   No, Your Honor.   That would  
12 conclude our presentation.

13                   THE COURT:   All right.   Mr. Budlow, anything from  
14 you?

15                   MR. BUDLOW:   Very briefly, Your Honor.   The only  
16 thing I would add, I neglected to state this earlier, but --  
17 the Defense's argument reminded me of it, which is that --  
18 what you now see in front of you and that has been  
19 highlighted a little bit, is that the Defendant essentially  
20 has been living a complete double life.   He spends months  
21 at a time overseas.   And nobody realizes that he is -- that  
22 it is he is the husband, boyfriend of numerous other  
23 families.   That he has taken these family vacations with.  
24 Nobody knew.

25                   And so he is leading that double life in many, many

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1 months overseas. But he is also leading this complete other  
2 double life here in his office. And that all goes to the  
3 idea that Your Honor can trust the Defendant when he through  
4 his counsel says, you can trust me, I am not going to harm a  
5 child, you can trust me, I am going to stay at home on  
6 electronic monitoring, you can trust me I am not going to  
7 contact my overseas contacts, get a passport, flee the  
8 country or do anything like that.

9 And I would say that someone -- not to mention all  
10 of the conduct I have talked about earlier, that makes him  
11 a danger, but this goes to the heart of his trustworthiness  
12 that he was able to successfully lead this incredible other  
13 lifestyle that nobody knew about. Just reinforces the idea  
14 that given the danger, I do not think it makes sense for  
15 the Court to take that leap of faith to trust this Defendant.

16 THE COURT: All right. Mr. Budlow, thank you.

17 MR. ROSENBLUM: Briefly, Your Honor.

18 THE COURT: Yes, Mr. Rosenblum.

19 MR. ROSENBLUM: I would just -- just an additional  
20 comment to Mr. Budlow's last comments. Unfortunately, I  
21 think it goes without saying that when somebody is engaging  
22 in infidelity there is a certain double life connected with  
23 that infidelity. And certainly -- that is not what the issue  
24 is here today.

25 With respect to this overseas travel, every one of

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1 those trips had a component of work to. That is how Mr. Hall  
2 made a living.

3 And additionally, at the end of the day, I think  
4 the conditions that you can impose are such that you would  
5 have no fear, both financially or by passport, Mr. Hall would  
6 leave the jurisdiction. Thank you.

7 THE COURT: All right. Thank you, Mr. Rosenblum.  
8 Let me first say this, I am certainly very appreciative, I  
9 know that Mr. Hall is appreciative of everyone who has shown  
10 up today to support him. And I know it is not an easy day  
11 for the family and it probably has not been easy for some  
12 period of time now.

13 And I also appreciate the testimony of Ms. Hall.  
14 It is difficult to come into court and take questions, even  
15 from a friendly lawyer, that is a difficult position to be  
16 in. And that is not lost on me as I consider what I am bound  
17 to consider under what we call the Bail Reform Act, which is  
18 what Congress has passed to guide my decision here.

19 As you have heard the lawyers speak, there are two  
20 criteria that I look at. One is risk of flight and one is  
21 danger to the community.

22 You have also heard from both lawyers this  
23 notation of a presumption. So, there are certain crimes  
24 that Congress has deemed to be such that the normal  
25 presumption that Mr. Rosenblum described, which is in favor



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1 of release, essentially reverses itself and it becomes a  
2 presumption in favor of detention because we have minors  
3 involved and the allegations in the case. So, again that is  
4 set forth in the Bail Reform Act. So, we have that issue to  
5 contend with.

6 We also have a recommendation from the folks that  
7 I rely on, the Pretrial Services folks, who have the task of  
8 supervising many people in the community. So, they have vast  
9 experience, certainly much more extensive experience than  
10 mine in trying to predict who can do well on conditions of  
11 release and where there might be some danger or risk of  
12 flight. Their recommendation in this case is to detain, as  
13 well, to go along with that presumption.

14 The issue that we have, and I understand the  
15 Defense is always at a disadvantage because the Prosecution  
16 has been working on their case for some time before the  
17 Defense is ever put on notice. And there is always some  
18 disadvantage to that.

19 At the same time when I look at the proffer of the  
20 evidence from the Government, admittedly some is open to  
21 interpretation, and I agree with Mr. Rosenblum on that. On  
22 the other hand there is what I would call more objective  
23 evidence described by Mr. Budlow that really is not subject  
24 to much interpretation, including many thousands of files of  
25 child pornography found in Mr. Hall's possession on computers

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1 that he controlled.

2 We also have the pictures that include, some of  
3 which I think include Mr. Hall, include people that he has  
4 had contact with overseas, taken -- that are in his  
5 possession, taken with a camera similar -- well, exactly the  
6 same in make and model during a time when we know he was in  
7 these locations. So, that is not really open to as much  
8 interpretation. And some of these photos are minors and  
9 having been classified as child pornography.

10 So, we have that evidence in the case. So, what I  
11 am left with is we have evidence both of -- the suggestion of  
12 some direct victimization. We also have extensive evidence  
13 of what I would call indirect victimization, because for all  
14 of these 8,000 files someone's child was victimized to  
15 produce, to produce that image.

16 We also have Mr. Hall's sophistication with  
17 computers, given his background and certainly given what the  
18 Government found on the computers in terms of encrypted, et  
19 cetera, suggests a very sophisticated user and by contrast my  
20 sense from what I have read in the Pretrial Report and from  
21 Ms. Hall's testimony is that she is not a computer expert.  
22 Maybe she is the one person in the family who does not have  
23 that expertise.

24 So, the notion that there could be effective  
25 policing of this, I got some reason to doubt that. You know,

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1 all of this activity happened at the family home, during --  
2 you know, at least according to what we found in the last few  
3 years, of the family relationship, notwithstanding the  
4 children being, you know, in close relationship with their  
5 father, notwithstanding his faith community and his  
6 participation in that. That is not at all passing blame on  
7 anyone or suggesting that anyone should have discovered any  
8 of this. That is not it at all. But it does go to Mr.  
9 Budlow's point really of a double life.

10 The other issue is -- so, I think we have a high  
11 degree of potential danger here. In terms of the risk of  
12 flight, we have a Defendant who has means, we have a  
13 Defendant with extensive foreign travel, we have a Defendant  
14 with extensive ties suggested by what I will call family  
15 relationships with people overseas, and that to me creates  
16 more than the usual risk that perhaps there is another living  
17 situation that Mr. Hall would be just as comfortable with  
18 overseas.

19 So, I certainly have that issue in a case where he  
20 is likely if convicted facing significant time in prison so  
21 he would have every motivation to start over, if you will,  
22 given the opportunity to do so.

23 So, for all those reasons I am going to detain  
24 Mr. Hall in this case. I will enter a written order into  
25 the record that lists these reasons, but they will -- that

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1 will essentially be a summary of what I have said here  
2 today.

3 Are we going to go on to an arraignment in the  
4 case?

5 MR. ROSENBLUM: Yes, Your Honor.

6 THE COURT: All right. Mr. Rosenblum, have you had  
7 the opportunity to review the Indictment with Mr. Hall?

8 MR. ROSENBLUM: We have, Your Honor. And we will  
9 waive the formal reading and enter a plea of not guilty on  
10 behalf of Mr. Hall.

11 THE COURT: Okay. Well, let us -- we will do that  
12 formally with Mr. Hall. So, Mr. Hall, if you could please  
13 stand, the courtroom Deputy will have some questions for  
14 you.

15 THE CLERK: Mr. Hall, please state your full name  
16 for the record.

17 THE DEFENDANT: Martin Robert Hall.

18 THE CLERK: What is your age?

19 THE DEFENDANT: Fifty-four.

20 THE CLERK: What year, just the year, were you  
21 born?

22 THE DEFENDANT: 1962.

23 THE CLERK: Have you read or reviewed a copy of the  
24 Indictment by the U.S. Attorney or has a copy been read to  
25 you?

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1 THE DEFENDANT: Yes.

2 THE CLERK: Do you understand the charges?

3 THE DEFENDANT: Yes.

4 THE CLERK: Mr. Rosenblum, are you satisfied that  
5 the Defendant understands the charges against him?

6 MR. ROSENBLUM: I am, Your Honor -- I am.

7 THE CLERK: Mr. Hall, you have been charged in  
8 Counts 1 and 2 of the Indictment, what is your plea?

9 THE DEFENDANT: Not guilty.

10 THE CLERK: Thank you. The plea is not guilty.

11 THE COURT: And, Mr. Rosenblum, you reserve a jury  
12 trial?

13 MR. ROSENBLUM: Yes, Your Honor.

14 THE COURT: Mr. Budlow, the estimated length of the  
15 trial?

16 MR. BUDLOW: Three days, Your Honor.

17 THE COURT: All right. Have you -- do you have a  
18 discovery agreement in place?

19 MR. ROSENBLUM: I believe we do.

20 MR. BUDLOW: Yes, we do, Your Honor. And I have  
21 tendered discovery to Defense this morning.

22 THE COURT: All right.

23 MR. ROSENBLUM: There is a letter -- an e-mail  
24 letter to me that I have not reviewed but we have discussed  
25 it, the contents and I think we do have a discovery agreement

km

1 in place.

2 THE COURT: All right. And you will stay in  
3 contact with Judge Motz's chambers on schedule?

4 MR. BUDLOW: Yes, Your Honor. We will reach out to  
5 them beginning of next week.

6 THE COURT: All right. Anything else then this  
7 afternoon?

8 MR. BUDLOW: Nothing from the Government. Thank  
9 you.

10 THE COURT: All right. Thank you.

11 (Whereupon, at 3:11 p.m., the proceedings  
12 concluded.)

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C E R T I F I C A T E

I certify that the foregoing is correct transcript  
from the electronic sound recording of the proceedings in the  
above-entitled matter.

Karen Morganelli 11-22-2016  
Karen Morganelli Date  
Certified Transcriber  
Certificate No.: CET\*\*D-577